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May 25, 2012

Hon. Paul A. Crotty
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Michael Balboa
Indictment No. 12 Cr 196 (PAC)

Your Honor:

The defense respectfully submits this letter on behalf of defendant Michael Balboa to request, with the consent of both Pretrial Services and the Government, that he be permitted to travel overnight to Houston, Texas, next Wednesday, May 30, 2012, for the purposes of meeting with the principal of an environmentally friendly company engaged in oil reclamation, with which Mr. Balboa is conducting business. Because of recent surgery, the principal, himself, is unable to travel here to New York.

By way of background, Mr. Balboa was charged with substantive and conspiratorial counts of securities and wire fraud, on December 1, 2011, and released the following day on a \$5,000,000 personal recognizance bond, cosigned by his mother and father, Dorothy and Henry Balboa, and secured by their residence in Long Island. As a condition of his release, Mr. Balboa is presently subject to electronic monitoring with the requirement that he return to his home by 11:00 pm, and remain there until 6:00 a.m., every day. Accordingly, to accommodate the instant request, Mr. Balboa's electronic monitoring must be suspended for the two-day duration of his travel.

Notably, as referenced above, the defense has spoken with AUSA Chris Lavigne who, after reviewing Mr. Balboa's proposed travel itinerary, consents to this application on behalf of the Government. And, in a similar vein, Pretrial Services Officer Arthur Bobyak, who has been overseeing Mr. Balboa's pretrial supervision, has consented to this application as well. Indeed, Mr. Balboa has been fully compliant with the conditions of his release to date.

In light of the foregoing, the defense respectfully requests that the Court temporarily modify the terms of Mr. Balboa's bail, so as to permit him to travel to Houston, Texas next Wednesday and Thursday, May 30th and 31st, for business purposes, and temporarily eliminate the condition of his curfew and electronic monitoring to facilitate that travel. In addition, as referenced above, and discussed with AUSA Lavigne and Pretrial Officer Bobyak, if permitted to travel, Mr. Balboa will check in with pretrial services by email every four hours.

Your consideration in this matter is greatly appreciated.

Respectfully submitted,

/s/ Joseph Tacopina

Joseph Tacopina

cc: AUSA Chris Lavigne